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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,663	04/05/2001	Joseph Herbert McIntyre	AUS920010294US1	3501

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EXAMINER	
AGDEPPA, HECTOR A	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,663	MCINTYRE, JOSEPH HERBERT	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 7/8/05. Claims 1 - 35 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 21 recite the limitation "said transferring." However the term "forwarding" is now used in the amended claims from which claims 4 and 21 depend. Hence, these claims lack antecedent basis.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 11, 13 – 29, and 31 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 5,946,386 (Rogers et al.) or in the alternative, US 6,028,917 (Creamer et al.)

As to claims 1 – 3 and 18 - 20, Tatchell et al. teaches a personal agent system which allows for the selective forwarding of calls received at, for example, a subscriber's

office number, read as the claimed first number, to the subscriber's home number, read as the claimed second number. Forwarding only occurs if the incoming call is one of a predetermined calling parties, read as the claimed selected incoming telephone calls. All other incoming calling parties or those part of a different predetermined group are routed to another number, a voice mail system, or some other default termination. Note as well that Tatchell et al. teaches accessing the personal agent from anywhere in the network and being able to control any line or number associated with a subscriber from any other line or number the subscriber uses to access the personal agent. In other words, a subscriber can use a second telephone to control forwarding parameters or preferences for a first telephone. (Abstract, Col. 3, line 24 – Col. 5, line 2, Col. 9, line 29 – Col. 12, line 19, Col. 18, line 55 – Col. 22, line 33 of Tatchell et al.)

Also, of course, note that in any system that allows for call forwarding, it is irrelevant as to what type of device a call is being forwarded to. As far as the system is concerned, a subscriber could enter the telephone number of a fax machine as a forward-to number if so desired. Hence, having the claimed second number be a wireless device is obvious if not inherent.

What Tatchell et al. does not teach is displaying information on the subscriber's device and enabling a subscriber to input a second number on the device and displaying it.

However, Tatchell et al. teaches that the system and method may be implemented and accessed from a mobile telephone. (Col. 7, line 4 of Tatchell et al.) Mobile telephones inherently or at the least obviously have displays and have the ability

to display such information as callerID information. In fact, Tatchell et al. teaches that such is well known. (Col. 1, lines 28 – 32, lines 49 – 53 of Tatchell et al.)

See the rejection of claim 7 below. While Tatchell et al. specifically teaches using voice recognition to circumvent the need for displays, as in presenting database and table information including selected phone numbers to be treated in certain ways, forwarded, etc., it still would have been obvious for one of ordinary skill in the art at the time the invention was made to simply not have the system translate text to speech as is done. In such a situation, Tatchell et al. teaches that information will be announced to the subscriber and the subscriber, using voice recognition, can speak instructions to input selected numbers as well a number such selected numbers will be transferred to . (Col. 13, line 38 – Col. 18, line 23, Col. 20, lines 21 - 65 of Tatchell et al.)

Again, all that is required is to merely not translate the text. Arguably this is simplification of the invention of Tatchell et al. and therefore obvious. Moreover, systems that use both audio and visual interaction techniques are old and well known. Take for example, airline reservation systems. One could either go online to access and provision or be serviced or could simply call into the airline's telephony system and interact using IVR. It is merely a matter of known choice.

Also, Rogers et al. teaches a system and method of controlling all incoming and outgoing communications, whether voice, fax, or data including the forwarding of such communications, wherein all the controlling is done via displays. (Abstract, Figs. 6a-9ab, Col. 22, lines 7 – 23, Col. 38, lines 46 – 48 of Rogers et al.)

It would have been obvious for one of ordinary skill in the art to have implemented the invention of Tatchell et al. using a visual environment inasmuch as the use of IVR and displays are notoriously old and well known and merely are choices that a system designer would choose between.

More reasons for using displays instead of traditional provisioning means (more flexible features and accommodating the trend better connectivity and interaction between computers and telephones) is taught by Creamer et al. wherein provisioning of telephony services is provided via GUIs, computer displays, interactive web pages, etc. as a result of web or Internet interactions with the telephony service provider. (Abstract, Col. 2, line 33 – Col. 6, line 33, Col. 7, line 6 – 52 of Creamer et al.)

Again, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented the features of Tatchell et al. in a visual environment because such an environment offers advantages in some instances over a purely audio-based environment. Sometimes listening to an entire list of numbers or a menu is tedious and time-consuming, wherein a visual display and interaction with numbers or a menu is quicker and at times easier.

Note also that Tatchell et al. teaches the ability to use DTMF commands/key pressing to control the personal agent instead of voice recognition. (Col. 7, lines 10 – 14 of Tatchell et al.) Hence, as is known, to interact with visual data, one must at some point, resort to key pressing to effect whatever actions one wants as a result of visual displays, and therefore, Tatchell et al. does not limit the system to strictly voice recognition commands.

Moreover, as to the claimed displaying said second number, whenever for example, a user enters anything on a mobile telephone keypad, a corresponding notation is displayed. If a user presses "XXX-XXX-XXXX", the mobile phone will display that telephone number.

As to claims 4 and 21, personal agent 11 is basically a processor that can either be co-located with a telephone switching center 10, or located on its own. Moreover, it contains at least an application processor 21 and various databases 22. (Figs. 1 and 2a) As such, personal agent 11 is analogous to the claimed server.

As to claims 5 and 22, Tatchell et al. teaches that a subscriber of the personal agent can access the personal agent and perform any and all function available therefrom, including provisioning the subscriber's databases wherein the selected callers/numbers are identified, from any device, remote or local. (Col. 3, lines 60 – 63, Col. 7, lines 15 – 32, Col. 8, line 5 – Col. 9, line 28 of Tatchell et al.)

As to claims 6 and 23, see Col. 12, line 67 – Col. 13, line 29. Also see the rejection of claims 4 and 21, wherein it is taught that such information is stored in the personal agent's databases. Therefore, it is inherent that the selected information would have to be sent to personal agent/ server 11, since a subscriber will always access the personal agent only over a telephony device.

As to claims 7 – 9 and 24 – 26, see the rejection of claim 1. Again, Tatchell et al. does not teach the use of a visual display for menus when interacting with personal agent 11. Tatchell et al. instead, teaches using voice recognition as the mode of interaction between the system and subscriber.

However, such is old and well known and it would have been obvious for one of ordinary skill in the art to have implemented visual displays in the invention of Tatchell et al. inasmuch as such a feature is merely a design choice or preference which is based on user functionality not having patentable relevance to the invention feature of the present invention, selective call forwarding. One motivation for having visual menus and interaction is because long lists of messages or intricate menus, for example, could be tedious and confusing to navigate via telephone key buttons or via voice. Therefore, certain inventions have chosen to use visual menu displays. On the other hand, visual displays also present a old and well known problem, especially in the mobile telephony arts, in that when driving a car, for example, having to look at and navigate a menu visually is quite dangerous. In such a scenario, audio interaction, such as voice recognition means, are a much safer way to interact with a device/system. As such, again, it is merely a design choice.

As to claims 10, 11, 27, and 28, see Col. 12, lines 58 – 66, Col. 13, line 38 – Col. 16, line 47. Because Tatchell et al. teaches that a subscriber may categorize contact numbers in their database, such reads on selecting numbers from the entire database, as well as "designating" them.

As to claim 14, Tatchell et al. teaches that the personal agent may be accessed/utilized from any telephony device such as a mobile phone, i.e., a wireless device/cellular phone. (Col. 7, lines 1 – 4)

As to claim 13, see Col. 7, lines 10 – 14 wherein Tatchell et al. teaches that either voice, or DTMF codes entered on the user device may be used to control, access, provision personal agent 11.

As to claims 15 – 17 and 33 – 35, Tatchell et al. does not teach using a pager or computer/laptop to access personal agent 11. However, in modern telecommunications systems, the integration of various types of telephony and computer devices is very old and well known. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have contemplated using other devices besides strictly telephony devices to interact with personal agent 11. Tatchell et al. as discussed above, already contemplates using both landline and wireless telephones as well as receiving data and fax communications in addition to just voice communications. (Col. 4, line 34 and Col. 14, line 34, Col. 19, line 34 of Tatchell et al.)

As to claim 29, see the rejection of claims 1, 4, 18 and 21. Furthermore, personal agent 11 has therein, at least, a processor 21 and various databases which communicate with each other. Databases and processors are not the same type of elements, nor do they perform the same operations. As such, it is inherent that a network interface would have to be used to allow for those two different types of elements to interact.

What Tatchell et al. does not teach is the use of a system bus. However, system busses are extremely old and well known and merely allow different components of a system to be connected to a common link allowing for communication therebetween. Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to have implemented personal agent 11 of Tatchell et al. in manner that utilized a system bus. The functionality and operation of personal agent 11 would not be affected by the use of a system bus as opposed to separate connections between the databases 22 and the processor 21. Moreover, Tatchell et al. does not even describe the type of connections used in personal agent 11. It could very well be that a system but is used.

As to claim 32, see the rejection of claim 14.

As to claim 31, see the rejection of claim 13.

Response to Arguments

4. Applicant's arguments filed 7/8/05 have been fully considered but they are not persuasive.

As to applicant's arguments regarding Tatchell et al., note that the operative crux of applicant's invention is a method of selective call forwarding. Selective call forwarding is notoriously old and well known in the art, an example of which is taught by Tatchell et al. Therefore, the only distinction between applicant's invention and that of Tatchell et al. is implementation of selective call forwarding in a wireless device wherein certain steps of programming the selective call forwarding are displayed. Unfortunately, as discussed above, Tatchell et al. contemplates the use of wireless devices as a way to interact with the personal agent, giving at least some motivation for implementing selective call forwarding in a visual manner inasmuch as it is known that wireless devices such as cellular phones are much more visual than for example, traditional

POTS telephone units. For years, wireless telephones have had the ability to present games, calendars, telephone settings, etc. to a user and have that user press keys, verify modifications, etc. all on their wireless telephone. As to call forwarding, see the cited art below and note that in standard cellular telephones, a user can select to have calls forwarded to a number, wherein that number is chosen from his/her directory, which is displayed on the cellular telephone. To make the argument that the same can be done for selective call forwarding is easy in that a cellular service provider would merely have to implement selective call forwarding in their system, and would likely use the same format for choosing a number to forward calls to, as for choosing those calls which will be forwarded.

Therefore, applicant's invention merely amounts to adapting selective call forwarding to a device that allows displaying and DTMF / keyed commands, and so the claimed limitations regarding these features are merely dependent upon the capabilities and/or features that a cellular telephone manufacturer has decided to implement on that particular device. Given this, there is no patentable subject matter claimed.

Also note that voice recognition capabilities and visual displays / keyed commands are not mutually exclusive. See the above rejection wherein it is discussed that Tatchell et al. allows for both voice recognition and DTMF / keyed commands. Take for example any standard cordless telephone with a one or two line display. That display can present callerID information to a called party and that called party can press and answer button to take the call. Commonly, those same cordless telephones have certain features such as ring type or ring volume or language display that may be

viewed and modified using keyed commands. See also the cited references below wherein examples of voice recognition working with or instead of keyed commands and vice versa are taught.

Note too that nothing in the claims suggest that the forwarding feature of the claimed invention resides in the wireless device, but merely, that configuring or entering preferences associated with the feature are done at the device. In fact, for example, claim 4 recites that the actual forwarding service is provided by / handled by a separate server device. See also applicant's arguments on pages 14 – 16. Again, this means that the wireless device claimed is merely a front-end GUI or visual device.

Also as noted above, Tatchell et al. teaches using voice recognition commands, but contemplates that a mobile phone could be used. While there are some wireless devices that operate without a display or keypad, the great majority of cellular telephones, going back to the very earliest examples, all have some sort of display and some sort of keypad. Therefore, the fact that Tatchell et al. teaches that voice recognition can be accomplished using a cellular telephone again, reinforces examiner's position that voice recognition and keyed commands / visual data are not exclusive. Therefore, modifying Tatchell et al. to also use visual displays does not teach away from its purpose, nor would it make Tatchell et al. inoperable. A common example again is when one calls into a call center for example, and one is given the choice to either speak a response or press a key for a response.

As to applicant's arguments regarding the Creamer and Rogers references, note that applicant has in fact claimed that certain embodiments of the claimed invention are

implemented in laptops, computers, and pagers. See claims 15 – 17. Therefore, applicant cannot claim that references that teach accessing and modifying telephony services from a computer teach away or are directly against the teachings of the claimed invention. Therefore, even alone, Rogers for example, could read on the claimed invention if a user's laptop were connected to a network using a wireless LAN card for example.

Finally as to applicant's arguments regarding the alleged patentability of visual displays versus voice recognition, note that applicant seems to be mistaking a 35 USC 102 rejection and a 35 USC 103 rejection. The combination of elements and relationships applicant argues is missing in the prior art indicates that applicant believes only a 102 reference would defeat the claimed invention. However, this is simply not the case, and why examiner applied a 103 rejection.

Also, as to applicant's arguments regarding visual confirmation, again see the above rejection. Confirmation such as "Are you sure?" or displaying an "ok" key to verify acceptance of a modification is also old and well known.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,033,076 (Jones et al.) teaches selective call forwarding using keyed modification to the service is old and well known. US 6,091,948 (Carr et al.) teaches visual display of forwarding feature modification and keyed verification of modifications. US 6,112,099 (Ketola) teaches using an Internet-capable

telecommunications device to visual see data and modify features using keyed commands. US 2001/0043234 (Kotamarti) teaches voice recognition and visual displays are not exclusive in a user interface for telephony services. US 2002/0073207 (Widger et al.) teaches using a display and keyed command to select a telephone number for call forwarding. Nokia 6120i Owner's Manual pages 21 –22 teach allowing a user to choose a forward-to number by visually selecting the number from a directory resident on the wireless phone.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
September 30, 2005

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